SINGLE BENCH (2) (4)

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH
W.P.(S) NO. 4994 /2006

PETITIONER : Shri L.P. Dewangan,
S/O. Shri Rajaram Dewangan,
aged about 57 years,
R/O. - B.D. Mahant, Upnagar,
Ward No. 6, Janjgir
Distt. - Janjgir-Champa (C.G.)

P.R. No. 500 31/6
Presented by C.P. Lahre
dated 31/5/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through : The Secretary Agriculture
Department,
D.K.S. Bhawan, Raipur,
Distt. : Raipur (C.G.)

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2. The Director, Agriculture,
Raipur, Distt. : Raipur (C.G.)

3. Upper Sanchalak Krishi,
Sanchalnalaya Krishi,
Chhattisgarh, Raipur (C.G.)

OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA
6/6/06

4. The Deputy Director, Agriculture,
Janjgir, Distt. Janjgir-Champa (C.G.)

5. The Assistant Soil Conversation Officer,
Sakti, Distt - Janjgir Champa (C.G.)

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : Hon'ble Shri Justice Satish K. Agnihortri

WRIT PETITION (S.) NO. 4994 OF 2006

Petitioner : Shri L.P. Dewangan

versus

Respondents : State of Chhattisgarh and others.

Present : Mr. Pushpendra Kumar Patel, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State.

ORDER
(12th September, 2006)

1. The petitioner was initially appointed on the post of Assistant Grade-III. Thereafter, by order dated 27.10.2005, the petitioner was transferred from the office of Deputy Director, Agriculture, Korba to Deputy Director, Janjgir-Champa.

2. By order dated 14.7.2006, the charge of the petitioner was changed in the same capacity in the establishment section. The Additional Director by order dated 17.8.2006 (Annexure P-2) questioned the placement of several officers, passed by

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Assistant Soil Conservation officer, Sakti (Annexure P-3) and held that the order dated 14.7.2006 was not in accordance with the seniority.

3. The order dated 17.8.2006 (Annexure P-2) was subsequently withdrawn by the Additional Director of Agriculture on the ground that the Additional Director of Agriculture has no power to interfere with the functioning and placement of the officers from one section to other section within the same office. As a result the order dated 17.8.2006 stood cancelled and the order dated 14.7.2006 remained maintained.

4. The petitioner has filed this petition without impugning the order dated 14.7.2006 (Annexure P-3), questioning the placement of other employees within the same office on different sections. Though the petitioner has not impugned this order and has impugned the order dated 2.9.2006, whereby the Additional Director cancelled the order dated 17.8.2006, which was passed by the Additional Director without having the jurisdiction and competence.

5. Be that as it may, placement of the employees in different branches within the department is the power of the Head of the department to post an employee in a particular place i.e.

Assistant Soil Conservation Officer, Sakti, that has not been challenged. There is no merit in the case.

6. In view of the foregoing, this petition is dismissed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Subhash